

## ***FWP COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** November 16, 2012

**Agenda Item:** Echo Lake no-wake zone during high water

**Division:** Enforcement

**Action Needed:** Approval of Proposed Rule/Action

**Time Needed on Agenda for this Presentation:** 30 Minutes

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### **Background**

The petition to designate Echo Lake as a “no-wake” when water levels reach 32 inches below the deck of the Causeway Bridge, filed by Dorothy Veseth, Sue Hutz, Karen Kolar and Eugene Hutz, was received in a timely fashion. Echo Lake, located about 12 miles southeast of Kalispell, is a closed basin lake primarily fed by ground water with no outlet. Echo Lake has experienced abnormally high water levels in the past two years attributed to high snow fall and record rains. In 2011, an emergency rule was implemented on Echo Lake to primarily address public health issues associated with septic tanks leaching into the lake. While there was property damage as a result of the high water, there was little erosion, insignificant damage to the roads and no health issues manifested. In 2012, no emergency rule was adopted during the high water. As a result, there was significant shoreline erosion, property damage, boater conflicts and road damage as a due to boat wakes. When Echo Lake was designated "no-wake" in 2011, it shifted usage to Abbot and Peterson Lakes which are small lakes attached to Echo Lake. As a result, issues of congestion, safety, shoreline erosion, property damage and user conflict with landowners emerged.

### **Public Involvement Process & Results**

No formal public involvement, but FWP Region1 has received multiple comments on both sides of the issue.

### **Alternatives and Analysis**

#### No Action

- Pro: 1) Boaters would be allowed to continue recreating on the lake.
- Con: 1) Petitioners concerns would not be addressed. 2) FWP would have to revisit this problem whenever there are high-water levels on the lake. 3) There would continue to be damage from wakes on shorelines and public roads. 4) Conflicts between boaters and homeowners would continue.

#### Implement Petitioners' Proposal

- Pro: 1) Petitioners concerns are addressed. 2) Provides an enforceable regulation that people can monitor and plan their activities around. 3) Eliminates the uncertainty of an emergency rule being implemented.
- Con: 1) Limits recreational use on the lake by motorized boats above a no-wake speed.

### **Agency Recommendation & Rationale**

FWP recommends approving the petition and amending the petition to include Abbot and Peterson lakes which are directly attached to Echo Lake.

### **Proposed Motion**

- I move the FWP Commission initiate rulemaking as requested in the petition and include Abbott and Peterson lakes which are directly attached to Echo Lake. Or,
- I move the FWP Commission deny the petition.